

## Anaconda Copper Mine Site – Deferral Status Update

February 2018

**Issue:** Since the Administrator approved Nevada’s deferral request, the local Tribes have raised objections regarding the consultation process leading to the decision.

**Background:** The mine site was contaminated by past operations of Anaconda (ARC is its corporate successor) and, separately, Arimetco (now bankrupt). The site consists of private land, Bureau of Land Management (BLM) land, and Tribal land. The immediate hazard is from Arimetco tailings heaps that continue to leach acidic fluids high in uranium and other metals into collection ponds, which will reach capacity and overflow by 2020. If the ponds were to overflow, they would contribute additional contamination to groundwater resources currently used for drinking water, agriculture and tribal uses.

In signing a formal deferral agreement with the State of Nevada, EPA has determined that the State meets the regulatory requirements for deferral. Under deferral the State is required to achieve the same level of environmental protection as EPA under federal lead.

Under the terms of its agreement with the State, ARC will conduct the cleanup work under State oversight and will pay for site work with contribution from the State towards the Arimetco remedy. Construction of the first remedial action is expected to begin in late 2019 and will be completed in 2024.

### **Talking Points**

- EPA greatly appreciates the sustained efforts of the Governor, his staff and NDEP officials working with EPA throughout the deferral process.
- We have developed a draft EPA/Nevada/Tribal MOU for each tribe. The MOUs provide a framework for the Tribe’s engagement in response actions taken by NV. These MOUs are, as yet, unsigned as we await comments from the Tribes on the latest (January 2018) versions.
- EPA R9 is following up on the consultation with a written communication to the Tribal Chairmen to document our consultation and coordination activities and explain how tribal input was considered in the final action.